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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,820	06/15/2001	Nancy W. Brandon	FIS9-2001-0180US1	7748

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/881,820

Applicant(s)

BRANDON ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-20 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention.  
"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims uses "intuitive" and "natural" which are relative terms and in consequence reduce claims 10 and 20 to indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shetty et al (US Pub 2003/0084011, referred to as **Shetty**).

**Claim 1**

Shetty anticipates identifying a community of users belonging to the organization characterized by a common interest with respect to the knowledge (**Shetty**, Fig. 6A; Examiner's Note (EN): 604 is the portal interfacing with a community of users that belong to a dot.com organization); identifying business processes executed by the users in said community in accordance with strategies of the organization (**Shetty**, Fig. 6A); analyzing the business processes to identify specific activities performed in executing said processes and patterns for performing the respective activities (**Shetty**, Fig. 6A; p 0001); and constructing the knowledge portal in accordance with said patterns (**Shetty**, Fig. 6A, # 604).

**Claim 2**

Shetty anticipates analyzing the business processes to identify specific activities performed in executing said processes is by developing scenarios for using the portal in performing the respective activities and examining said scenarios to identify said

patterns for performing the respective activities (**Shetty**, Fig. 6A; ps 0041, 0042, 0043, and 0044).

**Claims 3, 14**

Shetty anticipates the usage scenarios are examined for recurring patterns of requests (**Shetty**, Fig. 6A; ps 0041, 0042, 0043, and 0044).

**Claims 4, 15**

Shetty anticipates wherein the usage scenarios are examined for recurring patterns of requests selected from the group consisting of type of document, client, industry, technology, collaboration group, application and any other recurring pattern observed in the usage scenario (**Shetty**, Fig. 6A; ps 0041, 0042, 0043, and 0044).

**Claim 5**

Shetty anticipates each scenario associated with a given activity includes a description of the activity; a form of a request likely to be made by users to obtain knowledge relevant to the activity; a description of a result expected by the user in response to the request; and a list of known sources of knowledge that may be used in responding to the request (**Shetty**, Fig. 6A; ps 0041, 0042, 0043, and 0044; p 0046).

**Claims 6, 16**

Shetty anticipates the list of known sources of knowledge that may be used in responding to the request is selected from the group consisting of documents, databases, web sites, or tools accessible via local area network (LAN), the organization's intranet, the external Internet, or other electronic means (**Shetty**, Fig. 6A; ps 0041, 0042, 0043, and 0044).

**Claim 7**

Shetty anticipates common interest is selected from the group consisting of a common base of knowledge, tools and processes (**Shetty**, Fig. 6A); a common way of conceptualizing or organizing that knowledge (**Shetty**, Fig. 6A); and a set of peers with whom the community of users typically network or collaborate (**Shetty**, Fig. 6A).

**Claim 8**

Shetty anticipates including initially identifying business and knowledge strategies of the organization, and continually comparing the identified specific activities and patterns for compatibility with the initially identified business and knowledge strategies of the organization (**Shetty**, Fig. 6A; ps 0041, 0042, 0043, and 0044; p 0046).

**Claims 9, 19**

Shetty anticipates constructing the knowledge portal includes organizing data into a hierarchy of categories and subcategories (**Shetty**, Fig. 6A; EN: to one of ordinary skill in the art, such organization is to be found in a given data base).

**Claims 10, 20**

Shetty anticipates wherein the hierarchy of categories and subcategories include type of document, support offering, client, industry, technology or any other categorization taxonomy that the community identifies as intuitive and natural to use in organizing the knowledge (**Shetty**, Fig. 6A; EN: see claim 9 comments).

**Claim 11**

Shetty anticipates reviewing strategies of the organization (**Shetty**, abstract); identifying a community of users characterized by a common interest with respect to the knowledge (**Shetty**, Fig. 6A; Examiner's Note (EN): 604 is the portal interfacing with a community of users that belong to a dot.com organization); identifying business processes executed by the users in said community in accordance with said strategies (**Shetty**, Fig. 6A); analyzing the business processes to identify specific activities performed in executing said processes (**Shetty**, Fig. 6A; p 0001); developing scenarios for using the portal in performing the respective activities (**Shetty**, Fig. 6A; p 0005); examining said scenarios to identify patterns therein (**Shetty**, Fig. 6A; p 0005); and constructing the knowledge portal in accordance with said patterns (**Shetty**, Fig. 6A, # 604).

**Claim 12**

Shetty anticipates a description of the activity (**Shetty**, Fig. 6A); a form of a request likely to be made by users to obtain knowledge relevant to the activity (**Shetty**, Fig. 6A, # 604; EN: form can be represented by arrival of item purchased); a description of a result expected by the user in response to the request (**Shetty**, Fig. 6A; p 0005); and a list of known sources of knowledge that may be used in responding to the request (**Shetty**, Fig. 6A; p 0005).

**Claim 13**

Shetty anticipates a common base of knowledge, tools and processes (**Shetty**, Fig. 6A); a common way of conceptualizing or organizing that knowledge (**Shetty**, Fig.

6A; Figs. 1-4; or a set of peers with whom the community of users typically network or collaborate (**Shetty**, Fig. 6A).

**Claim 17**

Shetty anticipates initially identifying business and knowledge strategies of the organization (**Shetty**, Fig. 6A; ps 0041, 0042, 0043).

**Claim 18**

Shetty anticipates continually comparing the identified specific activities and patterns for compatibility with the strategies of the organization (**Shetty**, Fig. 6A; p 0007).

***Conclusion***

7. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

Amberden, US Pub 2002/0103818

Fayyad et al, USP 6,633,882

Schuetze et al, US Pub 2003/0110181

Schuetze et al, USP 6,598,054

8. Claims 1-20 are rejected.



**Correspondence Information**

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

  
**ANIL KHATRI**  
**SUPERVISORY PATENT EXAMINER**

Joseph P. Hirl



December 2, 2003